

To: Matthew, Dayna[Matthew.Dayna@epa.gov]; Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Golightly-Howell, Velveta[Golightly-Howell.Velveta@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Moffa, Anthony[Moffa.Anthony@epa.gov]
From: O'Lone, Mary
Sent: Thur 2/5/2015 11:07:30 PM
Subject: REACH Preliminary Case Management Plan
[REACH prelim case management plan 2.5.15.docx](#)

Dayna-

I have changed the title of the document to a Preliminary Case Management Plan. I have not put 90 days in the title as Ethan agreed with CRFLO concerns (which you & I have discussed previously) that arbitrary numbers often take on a life of their own & are probably not a good idea in a process that has so many variables & potential time sinks that can make achieving those timeframes impossible. The more we call it a 90 day plan the more likely it is that someone is going to turn around in 90 days & hold us accountable for not completing all of the “other than investigation” pathways.

Also, as we discussed on the phone – I changed Dismissal Pathway to Administrative Closure Pathway per Lilian’s great catch.

Also, you will see that the box for whether NC DENR is a recipient of other federal funding is not checked. I sent an email to Jeryl & Ericka today asking if they could research that & give us the answer. I have not heard yet, but perhaps you will by tomorrow. I am out tomorrow but will check in with you on Monday.

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: O'Lone, Mary[OLone.Mary@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
Cc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]
From: Matthew, Dayna
Sent: Thur 2/5/2015 5:15:11 PM
Subject: RE: REACH - do you know or can you tell if NC DENR is a recipient of USDA financial assistance?

Mary,

The quick research I could do found the following which would suggest "yes"

1. USDA listed as a funding source on NC DENR's webpage re Financial resources for watersheds and water quality here: <http://portal.ncdenr.org/web/wq/ps/bpu/urw/funding>
2. DENR Division of Soil (old) Strategic Plan lists USDA here: http://www.enr.state.nc.us/docs/dswc_strategic_plan_2004.pdf
3. DENR listed among "state resources" on USDA's National Ag Library Page re invasive species here: <http://www.invasivespeciesinfo.gov/unitedstates/nc.shtml>

Can we call someone at USDA and just ask to confirm?

Dayna

From: O'Lone, Mary
Sent: Thursday, February 05, 2015 11:23 AM
To: Farrell, Ericka; Covington, Jeryl
Cc: Wooden-Aguilar, Helena; Dorka, Lilian; Matthew, Dayna
Subject: REACH - do you know or can you tell if NC DENR is a recipient of USDA financial assistance?

Need to know ASAP. Just need to consider/rule out referral or joint investigation.

Mary O'Lone

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1200 Pennsylvania Avenue, NW

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To: Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
Cc: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Matthew, Dayna[Matthew.Dayna@epa.gov]
From: O'Lone, Mary
Sent: Thur 2/5/2015 4:22:51 PM
Subject: REACH - do you know or can you tell if NC DENR is a recipient of USDA financial assistance?

Need to know ASAP. Just need to consider/rule out referral or joint investigation.

Mary O'Lone

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1200 Pennsylvania Avenue, NW

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(202) 564-4992

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]
Cc: O'Lone, Mary[OLone.Mary@epa.gov]
From: HALIM-CHESTNUT, NAIMA
Sent: Thur 3/23/2017 7:02:40 PM
Subject: RE: Language for Region 4 Regional Administrator on : Suspension of Administrative Complaint (ADR) # 11R-14-R4 Against the North Carolina Department of Environmental Quality

Perfect! I will send this to them verbatim.

I AM Diversity!

Naima Halim-Chestnut, MAOM

U.S. Environmental Protection Agency, Region 4

Regional Civil Rights Officer | Office of Civil Rights
61 Forsyth St. SW | Atlanta, GA 30303

Direct Line: 404-562-9220 | **Ex. 6 - Personal Privacy** | E-mail: halim-chestnut.naima@epa.gov

March Observance: Women's History Month

Theme: Honoring Trailblazing Women in Labor and Business

OCR Intranet Page: <http://r4intra.epa.gov/opm/civilrights/index.html>

From: Dorka, Lilian
Sent: Thursday, March 23, 2017 3:02 PM
To: HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: Language for Region 4 Regional Administrator on : Suspension of Administrative Complaint (ADR) # 11R-14-R4 Against the North Carolina Department of Environmental Quality

We should not be saying much about this complaint other than that the parties are currently engaged in Alternative Dispute Resolution conversations though the use of a formal mediator. The Civil rights investigation has been suspended in during the pendency of that mediation.

That's about all we should say. We should not be discussing the letter we issued or anything substantive about the case as any of that could jeopardize ADR. Thanks!

Lilian Sotolongo Dorka

Director, External Civil Rights Compliance Office

EPA, Office of General Counsel

202-564-9649

WJC-N Room 2450

From: HALIM-CHESTNUT, NAIMA

Sent: Thursday, March 23, 2017 1:39 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: Language for Region 4 Regional Administrator on : Suspension of Administrative Complaint (ADR) # 11R-14-R4 Against the North Carolina Department of Environmental Quality

Is there any language that you can provide to me that we can use when talking to the Public about this complaint? Our Regional Administrator will be in NC and I want to ensure she has some language to use if asked?

I AM Diversity!

Naima Halim-Chestnut, MAOM

U.S. Environmental Protection Agency, Region 4

Regional Civil Rights Officer | Office of Civil Rights
61 Forsyth St. SW | Atlanta, GA 30303

Direct Line: 404-562-9220

Ex. 6 - Personal Privacy

E-mail: halim-chestnut.naima@epa.gov

March Observance: Women's History Month

Theme: Honoring Trailblazing Women in Labor and Business

OCR Intranet Page: <http://r4intra.epa.gov/opm/civilrights/index.html>

From: Dorka, Lilian
Sent: Thursday, March 9, 2017 10:13 AM
To: HALIM-CHESTNUT, NAIMA <Halim-Chestnut.Naima@epa.gov>; Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>
Subject: FW: Suspension of Administrative Complaint (ADR) # 11R-14-R4 Against the North Carolina Department of Environmental Quality

FYI

From: Dorka, Lilian
Sent: Thursday, March 09, 2017 10:09 AM
To: 'Regan, Michael S' <Michael.Regan@ncdenr.gov>
Cc: Lapierre, Kenneth <lapierre.kenneth@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Redden, Kenneth <Redden.Kenneth@epa.gov>; Tellis, Vickie <Tellis.Vickie@epa.gov>
Subject: Suspension of Administrative Complaint (ADR) # 11R-14-R4 Against the North Carolina Department of Environmental Quality

Dear Secretary Regan:

Attached, please find our letter confirming the suspension of this investigation in light of the pending ADR process. This letter has also been sent to you via certified mail. Thank you and please let me know if you have any questions.

Sincerely,

Lilian Sotolongo Dorka

Director, External Civil Rights Compliance Office

EPA, Office of General Counsel

Delivery Report

From: Neal, Daria (CRT) [Daria.Neal@usdoj.gov]
Sent: 2/21/2016 5:35:19 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]
Subject: Read: Administrative Complaint 11R-14-R4 - NPPC and NCPC's Motion to Intervene

Your message

To: Neal, Daria (CRT)

was read 2/21/2016
on 5:35:19
PM

Your message

To:
Subject: Administrative Complaint 11R-14-R4 - NPPC and NCPC's Motion to Intervene
Sent: Sunday, February 21, 2016 5:35:25 PM (UTC) Monrovia, Reykjavik

was read on Sunday, February 21, 2016 5:35:19 PM (UTC) Monrovia, Reykjavik.

I. Studies related to NC Swine CAFOs and Water Impacts submitted as Exhibits

M.E. Anderson & M.D. Sobsey, *Detection and Occurrence of Antimicrobially Resistant E. coli in Groundwater on or near Swine Farms in Eastern North Carolina*, 54 Water Sci. & Tech. 211, 217 (2006), attached as **Exhibit 37** (“Overall, the results of this study demonstrated that antibiotic-resistant E. coli were present in groundwaters associated with commercial swine farms that have anaerobic lagoons and land application systems for swine waste management.”).

Wendee Nicole, *CAFOs and Environmental Justice: The Case of North Carolina*, 121 Env'tl. Health Perspectives A182, A186 (2013), attached as **Exhibit 44** (“Even without spills, ammonia and nitrates may seep into groundwater, especially in the coastal plain where the water table is near the surface.”).

Steve Wing & Jill Johnston, Dep't of Epidemiology, Univ. of N.C. at Chapel Hill, *Industrial Hog Operations in North Carolina Disproportionately Impact People of Color* (2014) attached as **Exhibit 4**.

Steve Wing et al., *Environmental Injustice in North Carolina's Hog Industry*, 108 Env'tl. Health Perspectives 225, 228 (2000), attached as **Exhibit 52** [Wing, *Environmental Injustice*]. (finding that North Carolina's intensive hog confinement operations are located disproportionately in communities with higher levels of poverty, higher proportions of non-white persons, and higher dependence on wells for household water supply).

II. Studies cited in Complaint related to NC Swine CAFOs and Water Impacts, but copy not provided.

JoAnn M. Burkholder & Howard B. Glasgow, *History of Toxic Pfiesteria in North Carolina Estuaries from 1991 to the Present*, 51 Biosci. 827, 833 (2001) (“During acute [Pfiesteria] exposure, fish commonly hemorrhage or develop skin lesions that are diffuse or nonfocal, as well as deep, localized or focal, bleeding sores or ulcerations.”).

Michael A. Mallin et al., *Factors Contributing to Hypoxia in Rivers, Lakes, and Streams*, 51 Limnology & Oceanography 690, 699-700 (2006).

Steve Wing, et al., *The Potential Impact of Flooding on Confined Animal Feeding Operations in Eastern North Carolina*, 110 Env'tl. Health Perspectives 387, 387 (2002), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1240801/pdf/ehp0110-000387.pdf> (describing how the 15-20 inches of rain dropped by Hurricane Floyd turned eastern North Carolina into a fecal flood zone). The flooding following Hurricane Floyd was not an isolated incident. *Id.* (“In 1996, 22 fecal waste pits were reported to have been ruptured or inundated following flooding from Hurricane Fran, and one major spill was reported following Hurricane Bonnie in 1998.”).

III. Other non-NC specific studies submitted as Exhibits

JoAnn M. Burkholder et al., *Impacts of Waste from CAFOs on Water Quality*, 115 *Envtl. Health Perspectives* 308, 309 (2007), *available at* <http://dx.doi.org/10.1289/ehp.8839>, attached as **Exhibit 3 to Burkholder Decl.**

Dana Cole et al., *Concentrated Swine Feeding Operations and Public Health: A Review of Occupational and Community Health Effects*, 108 *Envtl. Health Perspectives* 685 (2000), *available at* <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1638284/pdf/envhper00309-0041.pdf>, attached as **Exhibit 39.**

Carrie Hribar, Nat'l Ass'n of Local Bds. of Health, *Understanding Concentrated Animal Feeding Operations and Their Impact on Communities*, *Environmental Health* 4 (2010), *available at* http://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf, attached as **Exhibit 40.**

Pew Commission on Industrial Farm Animal Production, *Environmental Impact of Industrial Farm Animal Production 1-2* (2008), *available at* http://www.ncifap.org/_images/212-4_EnvImpact_tc_Final.pdf, attached as **Exhibit 45** [hereinafter, Pew, *Environmental Impact*] (same).

Pew Commission on Industrial Farm Animal Production, *Putting Meat on the Table: Industrial Farm Animal Production in America* (2008), *available at* http://www.ncifap.org/_images/PCIFAPSmry.pdf, attached as **Exhibit 46** [hereinafter, Pew, *Putting Meat on the Table*] (describing the rise of industrial animal production in America and the effects on public health and the environment).

IV. Other studies cited in Complaint, but copy not provided.

Joan A. Casey, *High-Density Livestock Operations, Crop Field Application of Manure, and Risk of Community-Associated Methicillin-Resistant Staphylococcus aureus Infection in Pennsylvania*, 173 *J. Am. Med. Ass'n: Internal Med.* 1980 (2013).

Ctrs. for Disease Control, U.S. Dep't of Health and Human Servs., *Antibiotic Resistance Threats in the United States*, 2013, at 6 (2013), *available at* <http://www.cdc.gov/drugresistance/threat-report-2013/pdf/ar-threats-2013-508.pdf>.

Oliver Denis et al., *Methicillin-Resistant Staphylococcus aureus ST398 in Swine Farm Personnel, Belgium*, 15 *Emerging Infectious Diseases* 1098 (2009) (Belgium).

B. Edwards B & AE Ladd, *Race, Poverty, Political Capacity and the Spatial Distribution of Swine Waste in North Carolina, 1982–1997*, 9 *North Carolina Geogr* 55–77 (2001).

Michael Greger & Gowri Koneswaran, *The Public Health Impacts of Concentrated Animal Feeding Operations on Local Communities*, 33 Farm Cmty. Health 11, 13 (2010).

Joseph Herriges et al., *Living with Hogs in Iowa: The Impact of Livestock Facilities on Rural Residential Property Values*, 81 Land Econ. 530 (2005).

Carol J. Hodne, Iowa Policy Project, Concentrating on Clean Water: The Challenge of Concentrated Animal Feeding Operations 8 (2005), *available at* <http://www.iowapolicyproject.org/2005docs/050406-cafo-fullx.pdf>. 2005docs/050406-cafo-fullx.pdf (identifying “seepage from earthen manure storage structures” as typical pathway for nitrates entering groundwater).

Xander W. Huijsdens et al., *Community-Acquired MRSA and Pig-Farming*, 5 Annals Clinical Microbiol. & Antimicrobials 26 (2006) (Netherlands).

T. Khanna et al., *Methicillin Resistant Staphylococcus aureus Colonization in Pigs and Pig Farmers*, 128 J. Veterinary Microbiol. 298 (2008) (Canada).

Jungik Kim & Peter Goldsmith, *A Spatial Hedonic Approach to Assess the Impact of Swine Production on Residential Property Values*, 42 Env'tl & Res. Econ. 509 (2009) (estimating decline in Craven County home property values on per hog basis).

Michael A. Mallin et al., Ctr. for Marine Science Research, Univ. of N.C. at Wilmington, Effect of Organic and Inorganic Nutrient Loading on Photosynthetic and Heterotrophic Plankton Communities in Blackwater Rivers (1998), *available at* <http://repository.lib.ncsu.edu/dr/bitstream/1840.4/1880/1/NC-WRRI-315.pdf>;

Katherine Milla et al., *Evaluating the Effect of Proximity to Hog Farms on Residential Property Values: A GIS-Based Hedonic Model Approach*, 17 URISA J. 27 (2005) (finding that values of Craven County, North Carolina homes decreased with increasing local hog populations and decreasing distances from homes to factory farms).

Jessica L. Rinsky et al., *Livestock-Associated Methicillin and Multidrug Resistant Staphylococcus aureus Is Present Among Industrial, Not Antibiotic-Free Livestock Operation Workers in North Carolina*, 8 PLoS One e67641 (2013).

Jochen Schulz et al., *Longitudinal Study of the Contamination of Air and of Soil Surfaces in the Vicinity of Pig Barns by Livestock-Associated Methicillin-Resistant Staphylococcus aureus*, 78 Applied Env'tl. Microbiol. 5666 (2012) (detecting MRSA 300 feet from a barn in which animals, air, and workers' plastic boots tested positive for MRSA).

Doug Gurian-Sherman, Union of Concerned Scientists, CAFOs Uncovered: The Untold Costs of Confined Animal Feeding Operations (2008), *available at*

http://www.ucsusa.org/assets/documents/food_and_agriculture/cafos-uncovered.pdf (discussing the substantial cost of confined animal feeding operations and discussing alternatives).

EK Silbergeld & LB Price LB, *Industrial Food Animal Production, Antimicrobial Resistance, and Human Health*, 29 Ann. Rev. of Pub. Health 151 (2008).

Tara C. Smith et al., *Methicillin-Resistant Staphylococcus aureus (MRSA) Strain ST398 Is Present in Midwestern U.S. Swine and Swine Workers*, 4 PLoS One e4258 (2009).

Tara C. Smith et al., *Methicillin-Resistant Staphylococcus aureus in Pigs and Farm Workers on Conventional and Antibiotic-Free Swine Farms in the USA*, 8 PLoS One e63704 (2013).

Stacy Sneeringer, *Does Animal Feeding Operation Pollution Hurt Public Health? A National Longitudinal Study of Health Externalities Identified by Geographic Shifts in Livestock Production*, 91 Am. J. Agric. Econ. 124, 130 (2009).

Paul B. Stretesky et al., *Environmental Inequity: An Analysis of Large-Scale Hog Operations in 17 States, 1982-1997*, 68 Rural Soc. 231 (2003) (finding that between 1982 and 1997 large-scale hog operations in North Carolina were more likely to be sited in areas with a disproportionate number of black residents).

K.M. Thu, *Public Health Concerns for Neighbors of Large-Scale Swine Production Operations*, 8 J. Agric. Safety & Health 175 (2002) (synthesizing research regarding public health concerns for neighbors of industrial swine facilities, including respiratory issues associated with air pollution).

Ingrid V.F. Van den Broek et al., *Methicillin-Resistant Staphylococcus aureus in People Living and Working in Pig Farms*, 137 J. Epidem. & Infection 700 (2009) (Netherlands).

Wing S. 2002. *Social Responsibility and Research Ethics in Community-Driven Studies of Industrialized Hog Production*. Environ. Health Perspect. 110:437–444.

Bridgett M. West et al., *Antibiotic Resistance, Gene Transfer, and Water Quality Patterns Observed in Waterways Near CAFO Farms and Wastewater Treatment Facilities*, 217 Water Air Soil Pollution 473 (2011).

V. Studies not listed above that Earthjustice cited in their 2013 comments on draft Swine Permit

J.M. Ham & K.A. Baum, *Measuring Seepage from Waste Lagoons and Earthen Basins with an Overnight Water Balance Test*, 52 Am. Soc’y of Agric. And Biological Engineers 835 (2009) (introducing test capable of producing accurate seepage measurements in single overnight performance).

J.M. Ham, *Seepage losses from animal waste lagoons: A summary of a four year investigation in Kansas*, 45 Am. Soc'y of Agric. Eng'rs 983 (2002) (summarizing study performed using earlier variation of water balance method).

VI. **Studies not listed above but cited in Exhibit 4** (Steve Wing & Jill Johnston, Dep't of Epidemiology, Univ. of N.C. at Chapel Hill, *Industrial Hog Operations in North Carolina Disproportionately Impact People of Color* (2014)).

Bullers S. 2005. *Environmental Stressors, Perceived Control, and Health: The Case of Residents Near Large-Scale Hog Farms in Eastern North Carolina*. Human Ecology 33:1-16.

Casey JA, Curriero FC, Cosgrove SE, Nachman KE, Schwartz BS. 2013. *High-Density Livestock Operations, Crop Field Application of Manure, and Risk of Community-Associated Methicillin-Resistant Staphylococcus Aureus Infection in Pennsylvania*. JAMA Internal Medicine 173:1980-1990.

Cole D, Drum DJ, Stalknecht DE, White DG, Lee MD, Ayers S, et al. 2005. *Free-living Canada Geese and Antimicrobial Resistance*. Emerging Infectious Diseases 11:935-938.

Donham KJ. 1990. *Health Effects from Work in Swine Confinement Buildings*. American Journal of Industrial Medicine 17:17-25.

Donham KJ, Wing S, Osterberg D, Flora JL, Hodne C, Thu KM, et al. 2007. *Community Health and Socioeconomic Issues Surrounding Concentrated Animal Feeding Operations*. Environ. Health Perspect. 115:317-320.

Furuseth O. 1997. *Restructuring of Hog Farming in North Carolina: Explosion and Implosion*. Professional Geographer 49:391-403.

Graham JP, Price LB, Evans SL, Graczyk TK, Silbergeld EK. 2009. *Antibiotic Resistant Enterococci and Staphylococci Isolated from Flies Collected near Confined Poultry Feeding Operations*. Sci Total Environ 407:2701-10.

Rinsky JL, Nadimpalli M, Wing S, Hall D, Baron D, Price LB, et al. 2013. *Livestock-Associated Methicillin and Multidrug Resistant Staphylococcus Aureus Is Present Among Industrial, Not Antibiotic-Free Livestock Operation Workers in North Carolina*. PloS One 8:e67641.

Thu K, Donham K, Ziegenhorn R, Reynolds S, Thorne P, Subramanian P, et al. 1997. *A Control Study of the Physical and Mental Health of Residents Living near a Large-Scale Swine Operation*. Journal of Agricultural Safety and Health 3:13-26.

Thu K. 2001. *Agriculture, the Environment, and Sources of State Ideology and Power*. Culture and Agriculture 23:1-7.

Thu K. 2003. *Industrial Agriculture, Democracy, and the Future*. In: *Beyond Factory Farming: Corporate Hog Barns and the Threat to Public Health, the Environment, and Rural Communities*,

(Ervin A, Holtslander C, Qualman D, Sawa R, eds). Saskatoon, Saskatchewan: Canadian Centre for Policy Alternatives.

van de Giessen AW, van Santen-Verheувel MG, Hengeveld PD, Bosch T, Broens EM, Reusken CB. 2009. *Occurrence of Methicillin-Resistant Staphylococcus Aureus in Rats Living on Pig Farms*. Preventive Veterinary Medicine 91:270-273.

Air Studies Related to Swine CAFOs (* indicates apparent NC focus)

Studies submitted as Exhibits

*Marion Deerhake et al., *Atmospheric Dispersion and Deposition of Ammonia Gas*, in RTI Int'l, *Benefits of Adopting Environmentally Superior Swine Waste Management Technologies in North Carolina: An Environmental and Economic Assessment*, at 2-32 to 2-34 (2003), *available at* http://www.cals.ncsu.edu/waste_mgt/smithfield_projects/phase1report04/appendix%20c-RTI.pdf, attached as **Exhibit 47** (modeling rates of ammonia deposition by county). “The greatest deposition occurs in Sampson and Duplin counties.” *Id.* at 2-33.

*Maria C. Mirabelli et al., *Asthma Symptoms Among Adolescents Who Attend Public Schools That Are Located Near Confined Swine Feeding Operations*, 118 *Pediatrics* e66 (2006), attached as **Exhibit 42** (finding students aged 12 to 14 who attended North Carolina public schools within 3 miles of industrial swine facilities reported increased asthma-related symptoms, more doctor-diagnosed asthma, and more asthma-related medical visits compared to peers at other schools).

*Maria C. Mirabelli et al., *Race, Poverty, and Potential Exposure of Middle-School Students to Air Emissions from Confined Swine Feeding Operations*, 114 *Envtl. Health Perspectives* 591, 595 (2006), attached as **Exhibit 43** (finding that North Carolina’s swine facilities are located closer to schools enrolling higher percentages of non-white and economically disadvantaged students).

*Leah Schinasi et al., *Air Pollution, Lung Function, and Physical Symptoms in Communities Near Concentrated Swine Feeding Operations*, 22 *Epidemiology* 208, 208 (2011), attached as **Exhibit 48** (measuring pollutants levels and effect on 101 adults living near hog CAFOs in 16 eastern North Carolina communities).

*Sacoby M. Wilson & Marc L. Serre, *Examination of Atmospheric Ammonia Levels Near Hog CAFOs, Homes, and Schools in Eastern North Carolina*, 41 *Atmospheric Env’t* 4977, 4985 (2007), attached as **Exhibit 49**.

*Steve Wing et al., *Air Pollution and Odor in Communities Near Industrial Swine Operations*, 116 *Envtl. Health Perspectives* 1362 (2008), attached as **Exhibit 50** (study participants living within 1.5 miles of swine factory farm reported altering or ceasing normal daily activities when hydrogen sulfide concentrations, and associated hog odor, were the highest) [Wing, *Air Pollution and Odor*].

*Steve Wing et al., *Air Pollution from Industrial Swine Operations and Blood Pressure of Neighboring Residents*, 121 *Envtl. Health Perspectives* 92 (2013), attached as **Exhibit 51**.

*Steve Wing & Jill Johnston, Dep’t of Epidemiology, Univ. of N.C. at Chapel Hill, *Industrial Hog Operations in North Carolina Disproportionately Impact People of Color* (2014) attached as **Exhibit 4**.

Cited in Complaint, but copy not provided.

Julia R. Barrett, *Airborne Bacteria in CAFOs: Transfer of Resistance from Animals to Humans*, 113 *Envtl. Health Perspectives* A116 (2005) (reviewing literature on cross-species transfer of antibiotic-resistant bacteria).

Amy Chapin et al., *Airborne Multidrug-Resistant Bacteria Isolated from a Concentrated Swine Feeding Operation*, 113 *Envtl. Health Perspectives* 137 (2005) (finding multidrug-resistant *Enterococcus*, coagulase-negative staphylococci, and viridans group streptococci in the air of an industrial swine operation at levels dangerous to human health).

Jennifer K. Costanza et al., *Potential Geographic Distribution of Atmospheric Nitrogen Deposition from Intensive Livestock Production in North Carolina, USA*, 398 *Sci. Total Env't* 76, 77 (2008).

Shawn G. Gibbs et al., *Isolation of Antibiotic-Resistant Bacteria from the Air Plume Downwind of a Swine Confined or Concentrated Animal Feeding Operation*, 114 *Envtl. Health Perspectives* 1032 (2006).

Shawn G. Gibbs et al., *Airborne Antibiotic Resistant and Nonresistant Bacteria and Fungi Recovered from Two Swine Herd Confined Animal Feeding Operations*, 1 *J. Occupational & Env'tl. Hygiene* 699 (2004) (finding multidrug-resistant bacteria inside and downwind of industrial swine operations at levels previously determined to pose a human health hazard).

Rachel Avery Horton et al., *Malodor as a Trigger of Stress and Negative Mood in Neighbors of Industrial Hog Operations*, 99 *Am. J. Pub. Health Suppl.*, S610 (2009).

James A. Merchant et al., *Asthma and Farm Exposures in a Cohort of Rural Iowa Children*, 113 *Envtl. Health Perspectives* 350 (2005) (finding children living on swine farms, including large facilities with more than 500 head, experienced increased rates of asthma compared to non-exposed children; results more pronounced where swine facilities added antibiotics to feed).

Katja Radon et al., *Environmental Exposure to Confined Animal Feeding Operations and Respiratory Health of Neighboring Residents*, 18 *Epidemiology* 300 (2007) (surveying nearly 7,000 residents of four German towns with high confined livestock operation densities and concluding that such operations “may contribute to the burden of respiratory disease among their neighbors”). (Footnoted in Earthjustice comments on draft permit).

C.A. Rotz, *Management to Reduce Nitrogen Losses in Animal Production*, 82 *J. Animal Sci.* E119, E129 (2004).

Ana M. Rule et al., *Assessment of an Aerosol Treatment To Improve Air Quality in a Swine Concentrated Animal Feeding Operation*, 39 *Envtl. Sci. & Tech.*, 9649, 9649 (2005).

Matias B. Vanotti & Patrick G. Hunt, Ammonia Removal from Swine Wastewater Using Immobilized Nitrifiers, *in* Proceedings of the 8th Int'l. Conf. of the FAO ESCORENA Network on Recycling of Agricultural, Municipal and Industrial Residues in Agriculture, Rennes, France 427, 428 (1998), *available at* <http://www.ramiran.net/doc98/FIN-ORAL/VANOTTI.pdf>.

James A. Zahn et al., *Air Pollution from Swine Production Facilities Differing in Waste Management Practice* 3, Proceedings of the Odors and Emission 2000 Conference (2000) (listing all types of “emissions released from stored swine manure” mentioned above).

*John T. Walker et al., *Atmospheric Transport and Wet Deposition of Ammonium in North Carolina*, 34 *Atmospheric Env't* 3,407 (2000).

*Susan S. Schiffman et al., *Quantification of Odors and Odorants from Swine Operations in North Carolina*, 108 *Agric. & Forest Meteorology* 213 (2001).

Susan S. Schiffman et al., *Symptomatic Effects of Exposure to Diluted Air Sampled from a Swine Confinement Atmosphere on Healthy Human Subjects*, 113 *Envtl. Health Perspectives* 567 (2005) (finding that those exposed to diluted swine air for two 1-hour sessions were more likely to report headaches, eye irritation, and nausea than the control group that was exposed to clean air); [[HYPERLINK "http://www.ncbi.nlm.nih.gov/pubmed/15866765"](http://www.ncbi.nlm.nih.gov/pubmed/15866765)].

Wing S, Horton RA, Marshall SW, Thu K, Tajik M, Schinasi L, et al. 2008. *Air Pollution and Odor in Communities Near Industrial Swine Operations*. *Environ. Health Perspect.* 116:1362-1368.

*Sacoby M. Wilson & Marc L. Serre, *Use of Passive Samplers to Measure Atmospheric Ammonia Levels in a High-density Industrial Hog Farm Area of Eastern North Carolina*, 41 *Atmospheric Env't* 6,074 (2007).

Studies not listed above but Earthjustice cited in their 2013 comments on draft Swine Permit

*Rachel Avery et al., *Odor from Industrial Hog Farming Operations and Mucosal Immune Function in Neighbors*, 59(2) *Archives of Env'tl. Health* 101 (2004) (finding that swine odor was associated with reduced mucosal immune function among 15 adults living near industrial swine operations in North Carolina).

Studies not listed above cited in Exhibit 4 (Steve Wing & Jill Johnston, Dep't of Epidemiology, Univ. of N.C. at Chapel Hill, *Industrial Hog Operations in North Carolina Disproportionately Impact People of Color* (2014)).

Donham K. 1993. *Respiratory Disease Hazards to Workers in Livestock and Poultry*

Confinement Structures. Seminars in Respiratory Medicine 14:49-59.

Donham K, Reynolds S, Whitten P, Merchant J, Burmeister L, Popendorf W. 1995. *Respiratory Dysfunction in Swine Production Facility Workers: Dose-response Relationships of Environmental Exposures and Pulmonary Function*. American Journal of Industrial Medicine 27:405-418.

Donham K, Cumro D, Reynolds S, Merchant J. 2000. *Dose-Response Relationships Between Occupational Aerosol Exposures and Cross-Shift Declines of Lung Function in Poultry Workers: Recommendations for Exposure Limits*. Journal of Occupational and Environmental Medicine 42:260-269.

Green CF, Gibbs SG, Tarwater PM, Mota LC, Scarpino PV. 2006. *Bacterial Plume Emanating from the Air Surrounding Swine Confinement Operations*. Journal of Occupational and Environmental Hygiene 3:9-15.

Schiffman SS, Sattely Miller EA, Suggs MS, Graham BG. 1995. *The Effect of Environmental Odors Emanating from Commercial Swine Operations on the Mood of Nearby Residents*. Brain Research Bulletin 17:369-375.

Tajik M, Muhammad N, Lowman A, Thu K, Wing S, Grant G. 2008. *Impact of Odor from Industrial Hog Operations on Daily Living Activities*. New Solutions 18:193-205.

Other studies I came across

*Yelena Ogneva-Himmelberger *, Liyao Huang and Hao Xin, *CALPUFF and CAFOs: Air Pollution Modeling and Environmental Justice Analysis in the North Carolina Hog Industry*, ISPRS Int. J. Geo-Inf. 2015, 4, 150-171; doi:10.3390/ijgi4010150 (Published: 26 January 2015)

Abstract: Concentrated animal feeding operations (CAFOs) produce large amounts of animal waste, which potentially pollutes air, soil and water and affects human health if not appropriately managed. This study uses meteorological and CAFO data and applies an air pollution dispersion model (CALPUFF) to estimate ammonia concentrations at locations downwind of hog CAFOs and to evaluate the disproportionate exposure of children, elderly, whites and minorities to the pollutant. Ammonia is one of the gases emitted by swine CAFOs and could affect human health. Local indicator of spatial autocorrelation (LISA) analysis uses census block demographic data to identify hot spots where both ammonia concentrations and the number of exposed vulnerable population are high. We limit our analysis to one watershed in North Carolina and compare environmental justice issues between 2000 and 2010. Our results show that the average ammonia concentrations in hot spots for 2000 and 2010 were 2.5–3-times higher than the average concentration in the entire watershed. The number of people living in the areas where ammonia concentrations exceeded the minimal risk level was 3647 people in 2000 and 3360 people in 2010. We recommend using air pollution dispersion models in future environmental justice studies to assess the impacts of the CAFOs and to address concerns regarding the health and quality of life of vulnerable populations.

Donham KJ1, Lee JA, Thu K, Reynolds SJ., *Assessment of air quality at neighbor residences in the vicinity of swine production facilities.*, [[HYPERLINK](http://www.ncbi.nlm.nih.gov/pubmed/19274894) "http://www.ncbi.nlm.nih.gov/pubmed/19274894" \o "Journal of agromedicine."] 2006;11(3-4):15-24. doi: 10.1300/J096v11n03_03. <http://www.ncbi.nlm.nih.gov/pubmed/19274894>

Abstract: Air sampling was completed on the front lawn of 35 homes neighboring swine farms in three different regions in the Upper Midwest of the United States. One region was dominated by large scale, swine confined animal feeding operations (CAFO's) noted as swine confinement area (SCA). The second area was dominated by smaller scale operations utilizing hoop structure facilities (HA). The third area was basically devoid of livestock, dominated by row-crop production, and served as the control area (CA). The time weighted average concentrations of hydrogen sulfide (8.42 ppb) was higher ($p = 0.047$) in SCA area than the control (3.48 ppb). However, carbon dioxide (449.6 ppm), ammonia (12.78 ppb) and PM10 (42.25 microg/m³) were higher in the hoop structure area than the other areas. Swine population density, distance between the homes and swine facilities, and wind direction had an interactive effect on the average levels of ammonia ($p = 0.04$). The contaminant levels at the homes were relatively low compared to typical concentrations inside animal buildings. However, exceedences of federal recommended limits for hydrogen sulfide in outdoor air were observed in the swine CAFO area. Concentration of hydrogen sulfide exceeded the recommended limits of the ATSDR (30 ppb) for chronic exposure at two of the 12 homes in the CAFO area (17%). Average hydrogen sulfide concentration exceeded the EPA recommended community standards (0.7 ppb) in all three areas assessed (SCA, HA, and CA). As chronic exposure to hydrogen sulfide may be present in areas of production agriculture, a potential health risk may be present. Further studies to provide additional information regarding exposures to hydrogen sulfide in rural environments are warranted.

Thorne PS, Ansley AC, Perry SS. *Concentrations of bioaerosols, odors, and hydrogen sulfide inside and downwind from two types of swine livestock operations.* J Occup Environ Hyg. 2009 Apr;6(4):211-20. doi: 10.1080/15459620902729184 <http://www.ncbi.nlm.nih.gov/pubmed/19177273>

Abstract: Few data on in-barn and downwind concentrations of endotoxin, bioaerosols, and odors from livestock facilities are available, and no studies have compared conventional confinement operations with the more animal-friendly hoop operations. Hoops are open to the environment and use a composted bedding system rather than housing pigs on slatted floors over pits holding manure slurry as in conventional confinements. We assessed airborne toxicants upwind, in barns, and downwind and evaluated determinants of exposure. Inhalable particulate matter, endotoxin, odor threshold, hydrogen sulfide, culturable mesophilic bacteria, culturable fungi, and total airborne microbes, along with wind speed, temperature, and humidity were measured at separate mid-sized livestock facilities (one hoop, one confinement) in Central Iowa on 10 occasions over 2 years. Significant differences in contaminants were observed between hoops and confinement buildings and across seasons for endotoxin, odors, airborne microorganisms, and hydrogen sulfide. For hoops and confinements, respectively, geometric

mean in-barn concentrations were 3250 and 3100 EU/m(3) for endotoxin; 1400 and 1910 microg/m(3) for particulates; 19.6 and 146 ppb for hydrogen sulfide; 137 and 428 dilutions for odor threshold; and $3.0 \times 10(6)$ and $1.5 \times 10(6)$ organisms/m(3) for total microbes. Endotoxin, odor, and culturable microorganisms exceeded recommended exposure limits. Reduced analysis of variance models for these contaminants demonstrated differences by barn type, season, number of pigs, and, in some cases, temperature and humidity. Both types of swine operations produced high airborne concentrations of endotoxin, odor, hydrogen sulfide, bacteria, and fungi. Endotoxin and odors were found downwind at concentrations previously associated with adverse health effects.

Others

Studies submitted as Exhibits

Dana Cole et al., *Concentrated Swine Feeding Operations and Public Health: A Review of Occupational and Community Health Effects*, 108 *Envtl. Health Perspectives* 685 (2000), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1638284/pdf/envhper00309-0041.pdf>, attached as **Exhibit 39**.

Carrie Hribar, Nat'l Ass'n of Local Bds. of Health, *Understanding Concentrated Animal Feeding Operations and Their Impact on Communities*, *Environmental Health* 4 (2010), available at http://www.cdc.gov/nceh/ehs/docs/understanding_cafos_nalboh.pdf, attached as **Exhibit 40**.

Pew Commission on Industrial Farm Animal Production, *Environmental Impact of Industrial Farm Animal Production 1-2* (2008), available at http://www.ncifap.org/_images/212-4_EnvImpact_tc_Final.pdf, attached as **Exhibit 45** [hereinafter, Pew, Environmental Impact] (same).

Pew Commission on Industrial Farm Animal Production, *Putting Meat on the Table: Industrial Farm Animal Production in America* (2008), available at http://www.ncifap.org/_images/PCIFAPSmry.pdf, attached as **Exhibit 46** [hereinafter, Pew, Putting Meat on the Table] (describing the rise of industrial animal production in America and the effects on public health and the environment).

Cited in Complaint, but copy not provided.

Joan A. Casey, *High-Density Livestock Operations, Crop Field Application of Manure, and Risk of Community-Associated Methicillin-Resistant Staphylococcus aureus Infection in Pennsylvania*, 173 *J. Am. Med. Ass'n: Internal Med.* 1980 (2013).

Ctrs. for Disease Control, U.S. Dep't of Health and Human Servs., *Antibiotic Resistance Threats in the United States*, 2013, at 6 (2013), available at <http://www.cdc.gov/drugresistance/threat-report-2013/pdf/ar-threats-2013-508.pdf>.

Oliver Denis et al., *Methicillin-Resistant Staphylococcus aureus ST398 in Swine Farm Personnel, Belgium*, 15 *Emerging Infectious Diseases* 1098 (2009) (Belgium).

*B. Edwards B & AE Ladd, *Race, Poverty, Political Capacity and the Spatial Distribution of Swine Waste in North Carolina, 1982–1997*, 9 *North Carolina Geogr* 55–77 (2001).

Michael Greger & Gowri Koneswaran, *The Public Health Impacts of Concentrated Animal Feeding Operations on Local Communities*, 33 *Farm Cmty. Health* 11, 13 (2010).

Joseph Herriges et al., *Living with Hogs in Iowa: The Impact of Livestock Facilities on Rural Residential Property Values*, 81 Land Econ. 530 (2005).

Xander W. Huijsdens et al., *Community-Acquired MRSA and Pig-Farming*, 5 Annals Clinical Microbiol. & Antimicrobials 26 (2006) (Netherlands).

T. Khanna et al., *Methicillin Resistant Staphylococcus aureus Colonization in Pigs and Pig Farmers*, 128 J. Veterinary Microbiol. 298 (2008) (Canada).

Jungik Kim & Peter Goldsmith, *A Spatial Hedonic Approach to Assess the Impact of Swine Production on Residential Property Values*, 42 Env'tl & Res. Econ. 509 (2009) (estimating decline in Craven County home property values on per hog basis).

Katherine Milla et al., *Evaluating the Effect of Proximity to Hog Farms on Residential Property Values: A GIS-Based Hedonic Model Approach*, 17 URISA J. 27 (2005) (finding that values of Craven County, North Carolina homes decreased with increasing local hog populations and decreasing distances from homes to factory farms).

*Jessica L. Rinsky et al., *Livestock-Associated Methicillin and Multidrug Resistant Staphylococcus aureus Is Present Among Industrial, Not Antibiotic-Free Livestock Operation Workers in North Carolina*, 8 PLoS One e67641 (2013).

Jochen Schulz et al., *Longitudinal Study of the Contamination of Air and of Soil Surfaces in the Vicinity of Pig Barns by Livestock-Associated Methicillin-Resistant Staphylococcus aureus*, 78 Applied Env'tl. Microbiol. 5666 (2012) (detecting MRSA 300 feet from a barn in which animals, air, and workers' plastic boots tested positive for MRSA).

Doug Gurian-Sherman, Union of Concerned Scientists, CAFOs Uncovered: The Untold Costs of Confined Animal Feeding Operations (2008), *available at* http://www.ucsusa.org/assets/documents/food_and_agriculture/cafos-uncovered.pdf (discussing the substantial cost of confined animal feeding operations and discussing alternatives).

EK Silbergeld & LB Price LB, *Industrial Food Animal Production, Antimicrobial Resistance, and Human Health*, 29 Ann. Rev. of Pub. Health 151 (2008).

Tara C. Smith et al., *Methicillin-Resistant Staphylococcus aureus (MRSA) Strain ST398 Is Present in Midwestern U.S. Swine and Swine Workers*, 4 PLoS One e4258 (2009).

Tara C. Smith et al., *Methicillin-Resistant Staphylococcus aureus in Pigs and Farm Workers on Conventional and Antibiotic-Free Swine Farms in the USA*, 8 PLoS One e63704 (2013).

Stacy Sneeringer, *Does Animal Feeding Operation Pollution Hurt Public Health? A National Longitudinal Study of Health Externalities Identified by Geographic Shifts in Livestock Production*, 91 Am. J. Agric. Econ. 124, 130 (2009).

*Paul B. Stretesky et al., *Environmental Inequity: An Analysis of Large-Scale Hog Operations in 17 States, 1982-1997*, 68 Rural Soc. 231 (2003) (finding that between 1982 and 1997 large-scale hog operations in North Carolina were more likely to be sited in areas with a disproportionate number of black residents).

K.M. Thu, *Public Health Concerns for Neighbors of Large-Scale Swine Production Operations*, 8 J. Agric. Safety & Health 175 (2002) (synthesizing research regarding public health concerns for neighbors of industrial swine facilities, including respiratory issues associated with air pollution).

Ingrid V.F. Van den Broek et al., *Methicillin-Resistant Staphylococcus aureus in People Living and Working in Pig Farms*, 137 J. Epidem. & Infection 700 (2009) (Netherlands).

Wing S. 2002. *Social Responsibility and Research Ethics in Community-Driven Studies of Industrialized Hog Production*. *Environ. Health Perspect.* 110:437–444.

Studies not listed above but cited in Exhibit 4 (Steve Wing & Jill Johnston, Dep't of Epidemiology, Univ. of N.C. at Chapel Hill, *Industrial Hog Operations in North Carolina Disproportionately Impact People of Color* (2014)).

*Bullers S. 2005. *Environmental Stressors, Perceived Control, and Health: The Case of Residents Near Large-Scale Hog Farms in Eastern North Carolina*. *Human Ecology* 33:1-16.

Casey JA, Curriero FC, Cosgrove SE, Nachman KE, Schwartz BS. 2013. *High-Density Livestock Operations, Crop Field Application of Manure, and Risk of Community-Associated Methicillin-Resistant Staphylococcus Aureus Infection in Pennsylvania*. *JAMA Internal Medicine* 173:1980-1990.

Cole D, Drum DJ, Stalknecht DE, White DG, Lee MD, Ayers S, et al. 2005. *Free-living Canada Geese and Antimicrobial Resistance*. *Emerging Infectious Diseases* 11:935-938.

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Donham KJ, Wing S, Osterberg D, Flora JL, Hodne C, Thu KM, et al. 2007. *Community Health and Socioeconomic Issues Surrounding Concentrated Animal Feeding Operations*. *Environ. Health Perspect.* 115:317-320.

Furuseth O. 1997. *Restructuring of Hog Farming in North Carolina: Explosion and Implosion*. *Professional Geographer* 49:391-403.

Graham JP, Price LB, Evans SL, Graczyk TK, Silbergeld EK. 2009. *Antibiotic Resistant Enterococci and Staphylococci Isolated from Flies Collected near Confined Poultry Feeding Operations*. *Sci Total Environ* 407:2701-10.

Rinsky JL, Nadimpalli M, Wing S, Hall D, Baron D, Price LB, et al. 2013. *Livestock-Associated Methicillin and Multidrug Resistant Staphylococcus Aureus Is Present Among Industrial, Not Antibiotic-Free Livestock Operation Workers in North Carolina*. *PloS One* 8:e67641.

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Thu K. 2001. *Agriculture, the Environment, and Sources of State Ideology and Power*. *Culture and Agriculture* 23:1-7.

Thu K. 2003. *Industrial Agriculture, Democracy, and the Future*. In: *Beyond Factory Farming: Corporate Hog Barns and the Threat to Public Health, the Environment, and Rural Communities*, (Ervin A, Holtslander C, Qualman D, Sawa R, eds). Saskatoon, Saskatchewan: Canadian Centre for Policy Alternatives.

van de Giessen AW, van Santen-Verheuver MG, Hengeveld PD, Bosch T, Broens EM, Reusken CB. 2009. *Occurrence of Methicillin-Resistant Staphylococcus Aureus in Rats Living on Pig Farms*. *Preventive Veterinary Medicine* 91:270-273.

Message

From: Stoneman, Christine (CRT) [Christine.Stoneman@usdoj.gov]
Sent: 2/20/2015 9:14:30 PM
To: Neal, Daria (CRT) [Daria.Neal@usdoj.gov]; O'Lone, Mary [OLone.Mary@epa.gov]; Lareau, Alyssa (CRT) [Alyssa.Lareau@usdoj.gov]; Fitzpatrick, Ryan (CRT) [Ryan.Fitzpatrick2@usdoj.gov]; Gelman, Laurie (CRT) [Laurie.Gelman@usdoj.gov]
CC: Dorka, Lilian [Dorka.Lilian@epa.gov]; Rhodes, Julia [Rhodes.Julia@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Subject: RE: REACH draft RFI & potential for ADR

And I will second that! I also think we should all go out for lunch or happy hour sometime.

From: Neal, Daria (CRT)
Sent: Friday, February 20, 2015 4:12 PM
To: O'Lone, Mary; Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT); Gelman, Laurie (CRT)
Cc: Stoneman, Christine (CRT); Dorka, Lilian; Rhodes, Julia; Wooden-Aguilar, Helena
Subject: RE: REACH draft RFI & potential for ADR

Thank you Mary. What a great way to end the week. We will get our comments to you by Tuesday.

Daria

From: O'Lone, Mary [mailto:OLone.Mary@epa.gov]
Sent: Friday, February 20, 2015 3:58 PM
To: Neal, Daria (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT); Gelman, Laurie (CRT)
Cc: Stoneman, Christine (CRT); Dorka, Lilian; Rhodes, Julia; Wooden-Aguilar, Helena
Subject: REACH draft RFI & potential for ADR

All-

Both NC DENR & Earthjustice have already been approached informally about ADR.

NC DENR expressed initial interest, but will get back to EPA early next week. Earthjustice said they will have to confer with their clients and Helena will ask via email today that Earthjustice let us know by Wednesday (2/25) if their clients are interested in ADR. Once both sign on formally to ADR, then we will put the investigation on hold. Until that time, we will continue to move forward swiftly with the investigation.

To that end, Velveta would like to get the initial RFI to NC DENR issued next week.

Attached is the current draft RFI. I have also attached a document that contains questions we discussed on our call this past Wednesday which are now categorized as Tier 2/something that we might ask in a follow-up RFI.

I apologize for the short turn around, but luckily you have seen all the questions before. We will need your comments Tuesday morning in order to fold them into our process. Let me know if you have any questions. Thanks, Mary

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA

1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: O'Lone, Mary
Sent: Thur 2/19/2015 8:06:48 PM
Subject: draft REACH email to OEJ (Matthew)

Matthew-

I wanted to let you know that today OCR will issue the attached letters accepting for investigation one allegation and requesting clarification on another made in the Title VI complaint filed in September 2014 by Earthjustice regarding alleged discrimination related to swine feeding operations in North Carolina. Specifically, OCR will investigate whether:

- North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring communities and violates Title VI and EPA's implementing regulations.

We anticipate the investigation will be controversial. We are prepared to organize a briefing or provide background should you need it. Please contact Helena Wooden-Aguilar of my staff if you would like to schedule a briefing or obtain any background information.

Also, please refer any press inquiries about this matter directly to Jennifer Colaizzi in OPA (202-564-7776). Jennifer is prepared to field all inquiries.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

Message

From: Neal, Daria (CRT) [Daria.Neal@usdoj.gov]
Sent: 2/20/2015 9:11:42 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Lareau, Alyssa (CRT) [Alyssa.Lareau@usdoj.gov]; Fitzpatrick, Ryan (CRT) [Ryan.Fitzpatrick2@usdoj.gov]; Gelman, Laurie (CRT) [Laurie.Gelman@usdoj.gov]
CC: Stoneman, Christine (CRT) [Christine.Stoneman@usdoj.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Rhodes, Julia [Rhodes.Julia@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Subject: RE: REACH draft RFI & potential for ADR

Thank you Mary. What a great way to end the week. We will get our comments to you by Tuesday.

Daria

From: O'Lone, Mary [mailto:OLone.Mary@epa.gov]
Sent: Friday, February 20, 2015 3:58 PM
To: Neal, Daria (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT); Gelman, Laurie (CRT)
Cc: Stoneman, Christine (CRT); Dorka, Lilian; Rhodes, Julia; Wooden-Aguilar, Helena
Subject: REACH draft RFI & potential for ADR

All-

Both NC DENR & Earthjustice have already been approached informally about ADR.

NC DENR expressed initial interest, but will get back to EPA early next week. Earthjustice said they will have to confer with their clients and Helena will ask via email today that Earthjustice let us know by Wednesday (2/25) if their clients are interested in ADR. Once both sign on formally to ADR, then we will put the investigation on hold. Until that time, we will continue to move forward swiftly with the investigation.

To that end, Velveta would like to get the initial RFI to NC DENR issued next week.

Attached is the current draft RFI. I have also attached a document that contains questions we discussed on our call this past Wednesday which are now categorized as Tier 2/something that we might ask in a follow-up RFI.

I apologize for the short turn around, but luckily you have seen all the questions before. We will need your comments Tuesday morning in order to fold them into our process. Let me know if you have any questions. Thanks, Mary

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 2/20/2015 8:58:16 PM
To: Neal, Daria (CRT) [Daria.Neal@usdoj.gov]; Lareau, Alyssa (CRT) [Alyssa.Lareau@usdoj.gov]; Fitzpatrick, Ryan (CRT) [Ryan.Fitzpatrick2@usdoj.gov]; Gelman, Laurie (CRT) [Laurie.Gelman@usdoj.gov]
CC: Stoneman, Christine (CRT) [Christine.Stoneman@usdoj.gov]; Dorka, Lilian [Dorka.Lilian@epa.gov]; Rhodes, Julia [Rhodes.Julia@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Subject: REACH draft RFI & potential for ADR
Attachments: Tier 2 Questions.docx; REACH RFI 2 20 2015pm.docx

All-

Both NC DENR & Earthjustice have already been approached informally about ADR.

NC DENR expressed initial interest, but will get back to EPA early next week. Earthjustice said they will have to confer with their clients and Helena will ask via email today that Earthjustice let us know by Wednesday (2/25) if their clients are interested in ADR. Once both sign on formally to ADR, then we will put the investigation on hold. Until that time, we will continue to move forward swiftly with the investigation.

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Mary O'Lone
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Washington, DC 20460
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To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: O'Lone, Mary
Sent: Thur 2/19/2015 6:31:58 PM
Subject: draft REACH OAR email (Betsy)

Betsy-

I wanted to let you know that today OCR will issue the attached letters accepting for investigation one allegation and requesting clarification on another made in the Title VI complaint filed in September 2014 by Earthjustice regarding alleged discriminatory impacts from swine feeding operations in North Carolina.

To assist OCR in its investigation, which is on a tight timeframe, I ask that you please provide OCR with a Title VI point of contact to assist in developing and implementing the Preliminary Case Management Plan for this investigation. Ideally, the Title VI contact should have the ability to quickly marshall the appropriate technical expertise within your office to assist in investigatory tasks (*e.g.*, review studies, assist in analysis).

Earthjustice has submitted or referenced several health studies in the Title VI complaint related to air emissions from swine CAFOs, so in the very near term, OCR would like to speak to someone on your staff who can assist OCR in its review of these studies. We understand that Ex. 5 - Deliberative Process for swine CAFO lagoons. In the very near term, OCR would be interested in speaking with OAQPS staff familiar with that project.

Also, OCR would like to be able to tap into existing EPA expertise in CAFO issues. We are looking for program staff who have the background and experience to assist us as we navigate what we anticipate will be controversial and potentially high profile issues. If you would please provide us with a CAFO contact that we could consult with on an as needed basis on sensitive issues, it would be most appreciated.

We have set up a SharePoint site containing copies of the complaint and other relevant materials. We are prepared to organize briefings or provide background and assistance to any program staff who will be involved in the project. Please email Helena Wooden-Aguilar of my

staff and Mary O'Lone of OGC the names of your Title VI, your CAFO contact, and those who will be able to assist in the review of the studies or are knowledgeable **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process Mary will grant them access to the SharePoint site and Helena will schedule any requested briefings or meetings.

Also, please refer any press inquiries directly to Jennifer Colaizzi in OPA (202-564-7776). Jennifer is prepared to field all inquiries.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

To: Wooden-Aguilar, Helena[Wooden-Aguilar.Helena@epa.gov]
Cc: Covington, Jeryl[Covington.Jeryl@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Stein, Jonathan[Stein.Jonathan@epa.gov]; Matthew, Dayna[Matthew.Dayna@epa.gov]; Packard, Elise[Packard.Elise@epa.gov]; Rhodes, Julia[Rhodes.Julia@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]; Chang, Patrick[Chang.Patrick@epa.gov]; Whickum, Cheryl[Whickum.Cheryl@epa.gov]
From: Golightly-Howell, Velveta
Sent: Wed 2/18/2015 11:08:46 PM
Subject: RE: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2) gkf 2.doc

She'll need some oversight Helena. That is, someone to review the doc to ensure that it's ready for my review. Again, I need the doc by 10 a.m., if we're to ensure that it goes out tomorrow. Thanks.

Velveta

From: Wooden-Aguilar, Helena
Sent: Wednesday, February 18, 2015 5:38 PM
To: Golightly-Howell, Velveta
Cc: Covington, Jeryl; Dorka, Lilian; Farrell, Ericka; Stein, Jonathan; Matthew, Dayna; Packard, Elise; Rhodes, Julia; O'Lone, Mary; Chang, Patrick; Whickum, Cheryl
Subject: Re: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2) gkf 2.doc

Ok. Can Cheryl handle the finalizing? We will take care of the rest.

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Feb 18, 2015, at 5:33 PM, "Golightly-Howell, Velveta" <[Golightly-](mailto:Golightly-Howell.Velveta@epa.gov)

Howell.Velveta@epa.gov> wrote:

Here's the letter that needs to be **put in final, signed by me, processed and disseminated tomorrow**. In addition to mailing it to Marianne Lado-Engleman, please arrange for it to be faxed to her at her NY and DC Earthjustice Offices and e-mail it to her. I'd like the letter **by 10 a.m.**, tomorrow. I'll turn it back immediately. Thanks.

Velveta

From: KeyesFleming, Gwendolyn
Sent: Wednesday, February 18, 2015 5:27 PM
To: Golightly-Howell, Velveta; Matthew, Dayna; Reeder, John
Cc: Carter, Asha
Subject: REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2) gkf 2.doc

Use this version. Had a change. Thanks.

<REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar clean (2) gkf 2.doc>